

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
Mar 7, 2017
S.B. 208
PRINCIPAL CLERK

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SENATE BILL DRS45154-LM-51 (03/02)

Short Title: Counties/Internet Infrastructure. (Public)

Sponsors: Senators J. Davis, Ballard, and Foushee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING COUNTIES TO PROVIDE HIGH-SPEED INTERNET ACCESS
3 SERVICE AS A PUBLIC ENTERPRISE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-274 reads as rewritten:

6 "§ 153A-274. Public enterprise defined.

7 As used in this Article, "public enterprise" includes:

- 8 (1) Water supply and distribution systems.
- 9 (2) Wastewater collection, treatment, and disposal systems of all types, including
10 septic tank systems or other on-site collection or disposal facilities or systems.
- 11 (3) Solid waste collection and disposal systems and facilities.
- 12 (4) Airports.
- 13 (5) Off-street parking facilities.
- 14 (6) Public transportation systems.
- 15 (7) Stormwater management programs designed to protect water quality by
16 controlling the level of pollutants in, and the quantity and flow of, stormwater
17 and structural and natural stormwater and drainage systems of all types.
- 18 (8) High-speed Internet access service, as defined in G.S. 160A-340(4)."

19 SECTION 2. Part 1 of Article 15 of Chapter 153A of the General Statutes is amended
20 by adding a new section to read:

21 "§ 153A-275.1. Authority to provide high-speed Internet access service as a public
22 enterprise.

23 (a) A county may provide infrastructure, including, but not limited to, conduit, fiber-optic
24 cable, and fiber-optic wire, for the purpose of expanding high-speed Internet access service in
25 unserved areas of the county to promote and encourage economic development in the county. The
26 county may lease the infrastructure to unaffiliated, qualified private providers of high-speed
27 Internet access service. Any lease contracts under this section shall comply with the provisions of
28 Article 8 of Chapter 143 of the General Statutes and shall be awarded on a technology-neutral
29 basis. The county shall use only unrestricted general fund revenue to provide the infrastructure.
30 Nothing in this section shall be construed to permit a county to provide Internet service.

31 (b) The following definitions apply in this section:

- 32 (1) High-speed Internet access service. – As defined in G.S. 160A-340(4).
- 33 (2) Unserved area. – As defined in G.S. 160A-340.2(b)."

34 SECTION 3. This act is effective when it becomes law.

